IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.938 OF 2007

IN

SUIT NO.78 OF 2006

Mr.Walter Nazerath ...Plaintiff

Versus

Mrs.Lizzie C.S.D'Souza ...Defendant

.....

Mr.Vasant Dhavan for the Plaintiff.

Mr.V.Y.Sanglikar for the Defendant.

.....

CORAM: A.M.KHANWILKAR, J.

MARCH 23, 2007.

P.C.

1. By consent, the Motion is made absolute in terms of prayer clause (a) while making it clear that the issue regarding maintainability of the Suit raised by the Defendant will be considered at the appropriate stage. That is left open.

2. Besides restoring Notice of Motion No.180 of 2006, the statement made on behalf of the

Defendant that the Defendant will not part with possession of the disputed property till the disposal of the said Notice of Motion is revived and accepted. That arrangement to continue till the disposal of the Motion.

A.M.KHANWILKAR, J.